UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,406	10/26/1999	JAMES M. BROWN	QCPA9900029	5890

23696	7590	12/28/2005

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EXAMINER
WILSON, ROBERT W

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2,4,5 and 12-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2,4,5 and 12-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2& 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Habusha (U.S. Patent No.: 6,205,498 B1)

Referring to claim 2, Habusha teaches: method using a predefined protocol per col. 2 lines 23-54.

"transmitting time-sensitive information over a wireless voice-over data communication system "

is only in the preamble and therefore carries no weight. The reference teaches utilizing a

windowing protocol which inherently has a maximum window size or maximum segment size.

The protocol also inherently has a minimum window size or minimum segment size. The first

and second nodes negotiate a window size between the maximum and minimum window. The

first node sends a window of packets. The second node sends an acknowledgment which has a

new window upon successful receipt of the window of packets per col. 2 lines 23-54.

Habusha does not expressly call for: new window size to be less than or equal to the maximum

window size.

Habusha teaches: a new window size is sent upon acknowledgment of the successful receipt of

the window per col. 2 lines 23-54.

It would have been obvious to one of ordinary skill in the art at the time of the invention that new

window size would be between the maximum and minimum window size in order for the

invention to work.

Referring to claim 12, Habusha teaches: method using a predefined protocol per col. 2 lines 23-54. "transmitting time-sensitive information over a wireless voice-over data communication system " is only in the preamble and therefore carries no weight. The reference teaches utilizing a windowing protocol which inherently has a maximum window size or maximum segment size. The protocol also inherently has a minimum window size or minimum segment size. The first node sends a window of packets. The second node sends an acknowledgment which has a new window upon successful receipt of the window of packets per col. 2 lines 23-54.

Habusha does not expressly call for: new window size to be less than or equal to the maximum window size.

Habusha teaches: a new window size is sent upon acknowledgment of the successful receipt of the window per col. 2 lines 23-54.

It would have been obvious to one of ordinary skill in the art at the time of the invention that new window size would be between the maximum and minimum window size in order for the invention to work.

Referring to claim 13, it is within the level of one skilled in the art at the time of the invention to implement the method of claim 13 in software. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the software on a computer readable medium in order that the software would execute on a processor.

Referring to claim 14, it is within the level of one skilled in the art at the time of the invention to implement the method of claim 13 in logic; thus, implementing a means.

3.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rathonyi (U.S. Patent No.: 6,359,877 in view of Habusha (U.S. Patent No.: 6,205,498 B1)

Referring to claim 4, Rathonyi teaches an apparatus Fig1 for transmitting time-sensitive information over a wireless voice-over data communication system used in conjunction with a predefined data protocol. The apparatus has processing units which inherently have memory and queues for storing data frames per Fig 1 Figure 1 also shows a first processor

Rathonyi does not expressly call for: negotiation of a maximum segment size , storing maximum segment size, storing of data frames, generating a first segment from said time-sensitive information if a sufficient quantity of said time sensitive data is available for transmission, said first segment having a segment between said minimum segment size and said maximum segment size; generating a second segment having a segment size less than or equal to said maximum segment size upon the receipt of an acknowledgement message from said receiver.

Habushu teaches utilizing a windowing protocol which inherently has a maximum window size or maximum segment size. The method negotiates a window size; therefore, teaches a method for performing the means. The method must inherently store the maximum window size and must inherently store data frame or packets for transmission. The protocol also inherently has a minimum window size or minimum segment size. The first and second nodes negotiate a window size between the maximum and window. The first node sends a window of packets or first segment of time sensitive information if there are sufficient quantity of said time sensitive packets are available wherein the size of the window is a window size between the minimum window size and the maximum window size . The second node sends an acknowledgment which has a new window upon successful receipt of the window of packets per col. 2 lines 23-54.

It would have been obvious to one of ordinary skill in the art at the time of the invention that new window size would be between the maximum and minimum window size in order for the invention to work.

4.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rathonyi (U.S. Patent No.: 6,359,877 in view of Habusha (U.S. Patent No.: 6,205,498 B1) further in view of DeClerck (U.S. Patent No.: 5,515,375)

The combination of Rathonyi and Habusha teaches the apparatus of claim 4.

The combination of Rathonyi and Habusha do not expressly call for: vocoder for generating data frames from said time-sensitive information

DeClerck teaches: vocoder for generating data frames from said time-sensitive information

Per Figs 2 &3

It would have been obvious to add the vocoder of DeClerk to the apparatus of Rathonyi and Habusha in order to convert voice to digitized data which are frames.
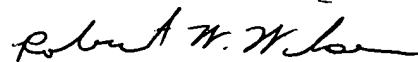
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).
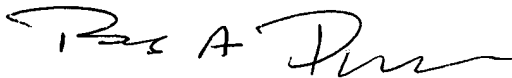
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert W Wilson
Examiner
Art Unit 2661

RWW
12/20/05

BOB PHUNKULH
PRIMARY EXAMINER